

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of February 11, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 13-18 were rejected under 35 U.S.C. § 101. Claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the newly-cited reference, U.S. Published Patent Application 2003/0212800 to Jones, *et al.* (hereinafter Jones), in view of U.S. Published Patent Application 2003/0014668 to Faccin, *et al.* (hereinafter Faccin), and in further view of non-patent literature reference, "A Service Framework for Carrier Grade Multimedia Services Using Parlay APIs Over a SIP System" to Pailer (hereinafter Pailer).

Certain Aspects Of The Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the cited references, including the newly-cited reference, Jones. One embodiment, typified by Claim 1, is a method of authenticating a mobile communication device.

The method can include forming a Session Initiation Protocol referred by token using authentication data provided by a mobile service provider. The authentication data can be provided over a mobile communications link in a mobile communications network.

The method also can include sending the token to a Session Initiation Protocol server. More particularly, the token can be sent via a wireless communications link over a wireless network that is distinct from the mobile communications link of the mobile communications network.

The Session Initiation Protocol server can send a request for validation, built using the token, to the mobile service provider using Parlay, and the method can further include receiving a reply from the Session Initiation Protocol server. The reply, more particularly, can be received over the wireless communications link and can indicate whether the request for validation from the Session Initiation Protocol server was confirmed.

35 U.S.C. § 101

As already noted, Claims 13-18 were rejected under 35 U.S.C. § 101, as capable of being interpreted as "solely software." (Office Action, p. 2.) Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended independent Claims 13 and 16 so as to expedite prosecution. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Specifically, Applicants have amended independent Claims 13 and 16, which are in means-for form, to explicitly reference the structure described in the Specification. The Specification describes various devices that possess communications and processing capabilities for performing the functions recited in Claims 13 and 16. Accordingly, the claims should be interpreted in the context of the structure and steps described explicitly in the Specification, and not as solely software. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 101.

The Claims Define Over The Cited References

Applicants have avoided further amendments to the claims, it being Applicants' firm conviction that even when the previously-cited references are combined with newly-cited Jones, the combination fails to teach or suggest every feature recited in the claims. More fundamentally, as Applicants respectfully assert below, the only basis for the combination is hindsight reconstruction.

Jones fails to disclose forming a Session Initiation Protocol token using authentication data provided by a mobile service provider over a mobile communications link over a mobile communications network, as recited in each of independent Claims 1, 4, 7, 13, 16, 19, and 22. In the portion cited in the Office Action, Jones provides the following description:

"the subscriber station 14 establishes an association with the access network, such as via a radio-link layer coupling between the subscriber station and the access point 16. At block 34, the subscriber station then sends an authentication request message into the access network, identifying both (i) a designated one of the service provider systems (e.g., a service provider ID, for instance) and (ii) one or more authentication credentials (such as subscriber ID (e.g., user ID or station ID) and password). For example, the authentication request message might identify service provider system 20 and might provide a username and password for a user of the subscriber station." (Jones, paragraph [0022].)

Thus, as described, Jones establishes an "association with [an] access network," and then sends an authentication request. (Jones, paragraph [0022], lines 2-6.) (Emphasis supplied.) Nowhere, however, does Jones even suggest that the authentication request is formed using authentication data provided by a mobile service provider over a mobile

communications link over a mobile communications network. Jones' description is entirely devoid of any reference to how the authentication request is generated or formed.

Certainly, Jones nowhere describes the request being generated or formed using data obtained over a mobile communications link of a mobile communications network, as recited in independent Claims 1, 4, 7, 13, 16, 19, and 22. Indeed, Jones' focus is on only one communication network, that of a wireless communication network as opposed to a mobile communications network.

Conversely, Faccin's focus is exclusively on a mobile communications network. More fundamentally, Faccin, like Jones only contemplates one network.

As previously noted, Faccin fails to teach or suggest using both a mobile communications link over a mobile network *and* a wireless communications link over a wireless network. With Faccin, all communication between a calling party and a SIP server occur over a single mobile communications link over a mobile network.

Applicants' claims explicitly recite that different communications occur over links in different networks. That is, a mobile network and a wireless network are defined to be different types of communications networks in the Specification. Mobile networks, as used in the claims, refer to wireless telephony networks. Wireless networks, as used in the claims, refer to wireless local data networks. (See, e.g., Specification, para. [0012], [0013].)

While Jones discloses using one type of communication network (mobile) and Faccin discloses using a different type (wireless), neither teaches or suggests combining different types of communications networks for providing different types of communication links to effect authenticating a mobile communication device. Indeed, since both references teach that their respective processes occur entirely within one type of communications network, each of the references teaches away from combining distinct types of networks.

Applicants respectfully contend that neither the references nor the prior art generally teach or suggest the dichotomy of communication links and communication networks recited in the claims for performing communication device authentication. Applicants respectfully submit that only through improper hindsight reconstruction is one lead to combine Jones and Faccin so as to arrive at the features recited in Claims 1, 4, 7, 10, 13, 16, 19, and 22.

Accordingly, Applicants respectfully submit that absent some teaching, suggestion, or motivation other than hindsight reconstruction, none of the cited references can properly be combined to render independent Claims 1, 4, 7, 10, 13, 16, 19, and 22 obvious. Applicants respectfully submit, therefore, that the independent claims define over the references. Furthermore, as each of the remaining claims depends from Claim 1, 4, 7, 10, 13, 16, 19, or 22 while reciting additional features, Applicants submit that the dependent claims also define over the references.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,
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